



February 27, 2012

Ms. Tisha Schuller
Colorado Oil and Gas Association
1660 Lincoln Street, Suite 2710
Denver, CO 80264

Dear Ms. Schuller,

It has recently come to our attention that your Association has paid for and is airing a radio advertisement about drilling and fracking in Colorado. The ad is here:

http://www.coga.org/audio/Gov_Hickenlooper_HF_Rule_30sec.mp3

This ad contains this sentence: "Since then [2008] we have not had one instance of groundwater contamination associated with drilling and hydraulic fracturing."

This sentence is not correct.

Specifically, our organizations have analyzed the 615 "Spill/Release Reports"¹ (Form 19, 6/99) for oil and gas drilling and fracking reported to the Colorado Oil and Gas Conservation Commission (COGCC) in just one Colorado County (Weld) from 1/3/2008 – 1/5/2012. These publicly searchable reports (Table 1 below) available on COGCC's website reveal that:

1. 44% of spills have impacted/contaminated² groundwater.
2. 2.8% of spills have impacted/contaminated surface water.
3. 40% of spills have resulted in or been caused by berm failures.

Further, we have also reviewed the 1,000 Spill/Release Reports available on COGCC's website for Weld County, dated 8/28/2003 – 1/05/2012 (the COGCC website only lists the 1,000 most recent reports). Those reports (table 2 below) reveal that:

1. 43% of spills have impacted/contaminated groundwater.
2. 3.1% of spills have impacted/contaminated surface water.
3. 43% of spills have resulted in or been caused by berm failures.

In addition, these reports are available for each the 40 oil and gas companies operating in Weld County, revealing that the bulk of the spills and contamination are due to a handful of companies.

¹ Spill/Release Reports are available on COGCC's website: <http://cogcc.state.co.us/>

² Form 19, 6/99, "Spil/Release Reports" interchange the words "impacted" and "contaminated."

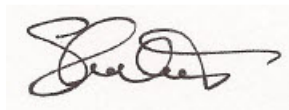
Further yet, we randomly sampled 60 of the 1,000 Spill/Release Reports (6%) and generalized those results to create an estimate of total fluid contamination. Those results (Table 3 below) reveal that from these 1,000 Spill/Release Reports:

1. Up to 824,600 gallons of oil have been spilled/released and “unrecovered” in Weld County.
2. Up to 383,600 gallons of produced water has been spilled/released and “unrecovered” in Weld County.
3. Up to 547,400 gallons of “Other” fluid has been spilled/released and “unrecovered” in Weld County. (“Other” may include fracking fluids.)
4. Up to 2.44 billion square feet of ground have been contaminated by spills and releases in Weld County.

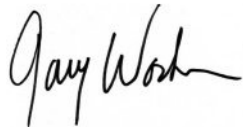
The results above are just for one County, Weld, and are for only 1,000 Spill/Release Reports, and do not reflect spills and groundwater contamination prior to 8/28/2003 in Weld County, and do not reflect spills and contamination in the 41 other Colorado counties in which oil and gas drilling and fracking occur.

Because the statement in your radio ad is not correct, we request that you remove it from the airwaves.

Respectfully,



Shane Davis, Chair, Poudre Canyon Group of the Sierra Club, shane.davis@rmc.sierraclub.org, 509-570-4422



Gary Wockner, PhD, Colorado Program Director, Clean Water Action, gwockner@cleanwater.org, 970-218-8310

TABLE 1: Spill/Release Reports 1/3/2008 – 1/5/2012			
	Percent		Number
Groundwater Contamination	44.0%	YES	271
	56.0%	NO	344
Surface Water Contamination	2.8%	YES	17
	97.2%	NO	598
Berm Contained	40.0%	YES	246
	60.0%	NO	369

TABLE 2: 1,000 Spill/Release Reports, 8/28/2003 – 1/05/2012

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TOTAL PERCENTAGE FROM 1000 SPILL REPORTS	Groundwater Contamination	42.7%	YES 427
		56.3%	NO 563
	Surface water contamination	3.1%	YES 31
		96.9%	NO 969
	Berm contained	42.9%	YES 429
		57.1%	NO 571
Company Name	Ground Water Contamination	Surface Water Contamination	Berm Not Contained
BAYSWATER EXPL AND PROD LLC * 1 reported	0.0%	0.0%	100.0%
BLUE CHIP * 2 reported	50.0%	0.0%	100.0%
BONANZA CREEK * 21 reported	16.0%	11.0%	63%
CDM * 1 reported	0.0%	100.0%	100%
CHESAPEAKE * 4 reported	0.0%	0.0%	0%
COLTON * 1 reported	0.0%	0.0%	0.0%
CONQUEST * 5 reported	0.0%	0.0%	20.0%
DIAMOND * 1 reported	0.0%	0.0%	100.0%
DUKE * 1 reported	0.0%	0.0%	100.0%
EDDY * 3 reported	67.0%	0.0%	100.0%
ENCANA * 46 reported	44.0%	4.0%	61.0%
ENERVEST * 1 reported	0.0%	0.0%	100.0%
EOG * 4 reported	0.0%	0.0%	0.0%
FOUNDATION * 1 reported	0.0%	0.0%	0.0%
FOUNTAINHEAD * 3 reported	100.0%	0.0%	34.0%
GREAT WESTERN * 2 reported	0.0%	0.0%	50.0%
GRYNBERG * 3 reported	0.0%	0.0%	34.0%
HIGH PLAINS DISPOSAL * 1 reported	0.0%	0.0%	0.0%
HYNDREX * 1 reported	0.0%	0.0%	100.0%
KP KAUFMAN * 23 reported	13.0%	30.0%	91.0%
KERR MCGEE * 391 reported	59.0%	2.0%	47.0%
LONE STAR * 1 reported	0.0%	0.0%	100.0%
MACHII * 6 reported	17.0%	17.0%	100.0%
MATRIX * 2 reported	50.0%	0.0%	0.0%
MERIT *15 reported	20.0%	0.0%	47.0%
MINERAL * 1 reported	0.0%	0.0%	0.0%
MONAHAN *3 reported	0.0%	0.0%	67.0%
NOBLE * 236 reported	31.0%	2.0%	69.0%
PATINA * 20 reported	30.0%	0.0%	30.0%
PETRO CANADA *29 reported	45.0%	0.0%	62.0%

PETROLEUM DEVELOPMENT * 158 reported	47.0%	3.0%	67.0%
PRIMA * 1 reported	0.0%	0.0%	0.0%
RED WILLOW * 3 reported	0.0%	0.0%	33.0%
STARLIGHT * 3 reported	0.0%	0.0%	0.0%
SYNERGY * 2 reported	0.0%	0.0%	0.0%
TEXAS AMERICAN RESOURCES *2 reported	0.0%	0.0%	100.0%
TOP OPERATORS * 1 reported	0.0%	0.0%	100.0%
US EXPLORATION * 1 reported	0.0%	0.0%	0.0%
WALSH PRODUCTIONS * 1 reported	0.0%	0.0%	0.0%
WINDSOR * 1 reported	0.0%	0.0%	0.0%

Table 3: Weld County "Spill Release Reports" (08/28/2003 - 01/05/2012)			
	60 randomly picked samples	Estimation for 1,000 spills/releases based on the 60 random samples	Estimated Unrecovered Fluid (1,000 reports)
Spill Area (square feet)	146,717,366	2,445,289,440	
Oil Spilled (gal)	65,646	1,094,100	
Oil Unrecovered (gal)	49,476	824,600	824,600
Produced Water Spilled (gal)	31,164	519,400	
Produced Water Unrecovered (gal)	23,016	383,600	383,600
Other Spilled (gal)	34,104	568,400	
Other Unrecovered (gal)	32,844	547,400	547,400
Total Estimated Unrecovered Fluid (gal)			1,755,600